

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

Minutes of

REGULAR MEETING

April 25, 2012

7:30 PM

Call to Order

The meeting was called to order by Mr. Greilsheimer, the acting Chairman of the Agency, at 7:47 p.m.

Attendance

Members of the Agency (the “Members”) in attendance were:

Christopher A. Gioia

Jeffrey M. Greilsheimer

Lamont R. Bailey – *arrived at 7:50pm*

Howard Weitzman

Rodney A. Caines

Agency staff present consisted of:

Dermot F. Kelly, Executive Director

Joseph Santamaria, Assistant Director/Project Manager

Patrice P. Allen, Administrative Assistant

Andrew M. Hyman, In-house Counsel

Minutes of Meeting Held on March 21, 2012

Upon the motion of Mr. Weitzman, seconded by Mr. Caines, the minutes of the meeting held on March 21, 2012 were accepted with corrections.

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Executive Director's Report

The Executive Director's Report consisted of the following:

Community Development Block Grant ("CDBG") Program

The CDBG 37th Program Year contract has been approved, and been routed to the Nassau County (the "County") Clerk of the Legislature for the official seal. The Agency has been awarded \$871,660.

Operations:

Copies of the Chart of Accounts Balance from the County Office of Community Development ("OCD"), monthly Bank Statements and the Agency's Internal Reconciliation were given to the Members for review.

- The Agency's current Chart of Accounts Balance as per OCD, as of 3/31/12 is \$2,310,653.

Cash Balances:

- Citibank –Lump Sum Account - \$523,630
- State Bank of Long Island - Program Income Account - \$268,822
- Citibank –Escrow Account - \$7,059

New Cassel Urban Renewal Plan

Site A - Agency's staff, and the Town Commissioner of Planning and Environmental Protection, Michael Levine, met with developers, the building owners, and Saccardi & Schiff to discuss zoning and targeting markets for the remaining 10,540 square feet of commercial space. The discussion also considered recommending a three (3) hour parking restriction in front of retail spaces along Prospect Avenue. Saccardi & Schiff has submitted the Traffic Study and Architectural Design Master Plan to the Town's Building Department. Once a permit for the plan is denied, an application can be submitted to the Board of Zoning and Appeals.

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The owners of Paradise Cove Restaurant contacted the Agency and are interested in obtaining an application for an Economic Development Loan for inventory and working capital. They will continue their build out after receiving approval for food from the Board of Zoning and Appeals.

Site B– The Supermarket - Tony & Eddie LLC purchased the condominium unit. All required permits for the build out have been issued and approved. Tony & Eddie have commenced construction and expect to complete their build out by July, 2012.

The Bank of New York Mellon (“BONYM”) is still marketing the remaining 6,000 square feet of vacant retail space.

Site C - No change in this site’s status. Residential units occupied. BONYM is still seeking a purchaser for the remaining 3,800 square feet of vacant commercial space.

Site D - This site is still in a work out with BONYM. The BONYM’s Attorney, Eric Reuben, responded on April 11th to several letters from the Agency’s outside Counsel, Mark Cuthbertson, from the Law Offices of Mark A. Cuthbertson. Mr. Reuben indicates that the negotiations with the BONYM and the County Tax Assessor are ongoing. Currently, they are still assessing the condition of the property, and estimating the costs to complete the necessary improvements. The Bank recently paid approximately \$301,000 in past due real estate taxes, and is still evaluating the current condition of the property. To obtain a clean title to the property, it may be necessary for the BONYM to foreclose. The County and the Developer, James Vilardi, are in discussions to take the necessary steps to secure completion of the development and anticipate implementing agreements soon.

Site E –The final site plans were reviewed at the February 2012 Agency Board Meeting, no significant changes were made. A Public Hearing took place on April 3, 2012 at Town Hall to review the Site Plan, which was approved by the North Hempstead Town Board. Plans are being submitted to the Building Department next week for approval. Conifer anticipates department approvals and starting construction in July.

Site H – All Commercial units have been purchased and are occupied. Of the seven two (72) - family residential condominiums, five (5) have been sold, one (1) is under contract, and one (1) has a potential purchaser applying at Banco Popular for mortgage financing.

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Site I – Agency staff completed and issued a request for proposals (“RFP”) for ten (10) Townhouses on February 29, 2012. The ten (10) Townhouses will be developed on the property, as well as a roadway connecting Rose Place and Sohmer Place. The responses to the RFP are due May 9, 2012. The Agency may extend the response date to May 23rd to give the proposers time to review the asbestos survey and complete proposal packages.

Site M –The Agency has completed the appraisals on both properties (983 & 985 Prospect Avenue). The owners of the properties affirm their amounts are valued much higher than the Agency’s appraised amount. SVS Valuation Services are reviewing the appraisals. After the review, the appraisers will meet with the owners of the properties to discuss the analysis. The Agency’s staffs are in discussion to either seek other locations on Prospect Avenue, pursue voluntary purchase, and or involuntary purchase.

Community Center: The project is scheduled to be completed in the summer of 2012.

The New York State Authority Budget Office (“ABO”) materials are on tonight’s Agenda for approval. The Governance Committee reviewed tonight’s Resolutions for all necessary ABO related approvals.

Upon the motion of Mr. Greilsheimer, duly seconded by the Board, the Executive Director’s Report, to the extent of the Members’ knowledge of the events referred to, was accepted and approved unanimously.

Governance Election of Officers

Chairman- Lamont R. Bailey

Vice-Chairman - Jeffrey M. Greilsheimer

Secretary- Christopher A. Gioia

Assistant Secretary- Andrew M. Hyman

Treasurer- Howard Weitzman

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For Consideration

RESOLUTION NO. 16 (2012)

A RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR COST VERIFICATION SERVICES.

WHEREAS, on April 3, 2012, the Town of North Hempstead Community Development Agency (the “Agency”) issued a request for proposals (the “RFP”) from qualified firms seeking to provide services that will verify that a developer’s proposed development costs for the Agency’s Site I Affordable Housing Development are customary and normal when considering current economics and industry standards (the “Services”); and

WHEREAS, the Agency issued and published the RFP on the internet and directly marketed it to various firms; and

WHEREAS, sealed proposals for the Services were received from three bidders, whose lump sum bids are set forth below; and

Organization	Lump Sum Fee Cost Verification for One Proposal	Lump Sum Fee Cost Verification for Two Proposals	Lump Sum Fee Cost Verification for Three Proposals
The Tocci Group Inc. 18 West 18 th Street, 10 th Flr. New York, NY 10011	\$8,000	\$12,000	\$15,000
Bowne AE&T Group 235 East Jericho Turnpike Mineola, NY 11501	\$7,500	\$12,500	\$17,500
V.J Associates Inc. of Suffolk 100 Duffy Avenue Hicksville, NY 11801	\$25,000	\$35,000	\$45,000

WHEREAS, Sidney B. Bowne & Sons, LLP, 235 East Jericho Turnpike, Mineola, New York 11501 (the “Proposer”) (i) has demonstrated experience in providing similar services and is

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exceptionally capable of producing the desired Services in a highly professional manner, (ii) has been in the business of providing construction and development Services to governmental agencies since 1895, (iii) offers a team of professionals in which the senior professionals have more than 10 years of providing similar services, (iv) has similar experience with affordable housing, and (v) are not debarred, suspended or prohibited from doing business by any federal, state, or local agency, and (vi) has more experience than the two other bidders with the local municipality and with pre- construction application and approval processes; and

WHEREAS, Agency staff has recommended that the Members determine that the Proposer is best qualified for the Services, and that they authorize execution of a professional services agreement for the Services in consideration of the payment of \$7,500 for cost verification of one proposal, \$12,500 for the cost verification of two proposals, and \$17,500 for cost verification of three proposals (the "Staff Recommendation"); and

WHEREAS, the Members wish to authorize and adopt the Staff Recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby authorize and adopt the Staff Recommendation; and be it further

RESOLVED, that the Executive Director of the Agency and any other officer thereof is hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing.

Upon the motion of Mr. Gioia, seconded by Mr. Caines the resolution was unanimously adopted.

RESOLUTION NO. 17 (2012)

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A RESOLUTION AUTHORIZING THE ISSUANCE OF THREE WORK ORDERS TO J. C. BRODERICK FOR THE PREPARATION AND DELIVERY OF A PRE DEMOLITION ASBESTOS ABATEMENT BULK SAMPLING SURVEY AND REPORT FOR 335, 336 ROSE PLACE, AND 276 SOHMER PLACE IN WESTBURY NEW YORK.

WHEREAS, pursuant to Resolution No. 18 (2011), duly adopted by the members (the “Members”) of the Town of North Hempstead Community Development Agency (the “Agency”) at their meeting held on May 4, 2011 (the “Authorizing Resolution”), the Agency and J.C. Broderick and Associates, Inc. (the “Consultant”) are parties to an agreement for asbestos and lead paint testing, monitoring, and design services (the “Services”); and

WHEREAS, pursuant to the Authorizing Resolution, each work order or series of work orders of Services in excess of \$10,000 requires the prior approval of the Members; and

WHEREAS, Agency staff wishes to give the Consultant work orders for the preparation and delivery of a pre-demolition asbestos abatement bulk sampling survey and report for 335 and 336 Rose Place, and 276 Sohmer Place, Westbury, New York, which Consultant has determined will cost \$11,569 (the “Work Orders”); and

WHEREAS, Agency staff has recommended that the Members approve the Work Orders (the “Staff Recommendation”); and

WHEREAS, the Members wish to authorize and adopt the Staff Recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby authorize and adopt the Staff Recommendation; and be it further

RESOLVED, that the Executive Director of the Agency and any other officer thereof is hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing.

Upon the motion of Mr Gioia., seconded by Mr. Weitzman the resolution was unanimously adopted.

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RESOLUTION NO. 18 (2012) (Amended)

A RESOLUTION AUTHORIZING AN INCREASE IN THE SALARY OF THE EXECUTIVE DIRECTOR.

WHEREAS, pursuant to Resolution No. 38 (2011), duly adopted at its meeting held on December 14, 2011, the members (the “Members”) of the Town of North Hempstead Community Development Agency (the “Agency”) appointed Mr. Dermot F. Kelly as Executive Director of the Town of North Hempstead Community Development Agency (the “Agency”); and

WHEREAS, the members of the Agency (the “Members”) wish to grant the Executive Director a 3.5% increase in his annual salary effective retroactively to January 2, 2012, consistent with the practices of the Town of North Hempstead (the “Salary Increase”).

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby authorize the Salary Increase; and it is further

RESOLVED, that the Executive Director and any officer of the Agency is hereby authorized to take such other action as may be reasonable and necessary to effectuate the foregoing.

Upon the motion of Mr. Weitzman, seconded by Mr., Gioia the resolution was unanimously adopted.

Adjournment

Upon a motion by Mr. Weitzman, the members of the Agency, by unanimous vote, adjourned the meeting at 8:45 p.m.